



Date: December 21, 2018

To: All Town Officers and Employees

From:  Dina Volenski, Town Clerk

The Town of Paradise has received the attached public records request from ForCal.

- Please review the attached request and provide any records you have regarding the request.
- Please provide all records and communications including private servers wherein there is discussion or subject matter relating to the 2018 Camp Fire.
- Please provide any promises made to any utility or visa versa regarding the Camp Fire.

If you locate any such communications, please provide them to me no later than January 14, 2019 at 5:00 p.m. dvolenski@townofparadise.com

Thank you.

Please USE EMAIL ONLY for all communication.

Email: forcalpra@gmail.com

Town of Paradise
Dina Volenski, Town Clerk and Lauren Gill,
Town Manager – Public Records Act Request
5555 Skyway
Paradise, CA 95969
dvolenski@townofparadise.com,
lgill@townofparadise.com
via email

Our ref.
PD-2018-CAPRA-0003

Date
2018-12-13

RE: California Public Records Act Request – PD-2018-CAPRA-0003

To Whom It May Concern:

Please provide the following public records pursuant to the California Public Records Act Request (the “Act”).¹ If the recipient cannot address this request, please forward it to the appropriate official or staff member. “Agency” refers to the Town of Paradise. “You” and “your,” below, refer to the agency, and not merely the individual recipient or member, agent, officer, or employee of the agency.

Please make note of the reference number (PD-2018-CAPRA-0003) as I may have sent you multiple, distinct requests with different reference numbers.

I look forward to:

- your determination and reply to this request within 10 calendar days including estimated date of record availability;²

¹References to the Act are made with respect to the Cal. Gov’t. Code as listed on https://leginfo.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=GOV&division=7.&title=1.&part=3.5.&article=, retrieved on December 12, 2018.

²Gov’t Code §6253(c) – “Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, “unusual circumstances” means the following, but only to the extent reasonably necessary to the proper processing of the

- prompt disclosure³ of all disclosable records responsive to this request,
- citation of legal authority for any records or portions thereof withheld⁴ and names and titles⁵ of each person responsible for such withholding;
- your assistance, as needed, in: (i) identifying and locating responsive records and overcoming objections to their disclosure,⁶ and (ii) segregating nondisclosable portions of responsive records so as to maximize disclosure of the disclosable portions;⁷ and
- if necessary, assessment of the minimum required fees covering direct costs of duplication;

in accordance with the Act, any “requirements for [yourself] that allow for faster, more efficient, or greater access to records,”⁸ and other applicable laws and regulations. Your responses and the contents of records disclosed may be published in the course of my research.

Please consider this my written consent to automatically extend the Gov’t Code §6253(c) 10 calendar day deadline and 14 day extension period to a 15 calendar day deadline and 30 day extension period (for a total of a maximum of 45 calendar days

particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.”

³ Gov’t Code §6253(b) – “Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.”

⁴ Gov’t Code §6255 – “(a) The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

(b) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.”

⁵ Gov’t Code §6253(d) – “Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.”

⁶ Gov’t Code §6253.1(a) – “When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

(1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.

(2) Describe the information technology and physical location in which the records exist.

(3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.”

⁷ Gov’t Code §6253(a) – “... Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.”

⁸ Gov’t Code §6253(e)

if you choose to use the extension), respectively, if any of the responsive records are in facilities damaged by the Camp Fire. This does not relieve you of any other obligations under Gov't Code §6253(c). Furthermore, please take care not to destroy or delete any potentially responsive records requested and to consider in your search for responsive records both physical and electronic "trash cans" or similar records that have not yet been completely destroyed.

As detailed in Attachment 1, after notifying me of your Gov't Code §6253(c) determination of which records exist and are disclosable, please only duplicate or produce records with **total fees not to exceed \$5**, after which I can choose from and prioritize the remaining records.

Thank you for your prompt attention to this matter.

Sincerely,

forcalpra@gmail.com

encl: Attachment 1 – Request Specification

encl: Attachment 2 – List of Records Requested

Attachment 1 – Request Specification

Records Requested See Attachment 2.

Fees I believe I am to be charged solely for direct costs of duplication (if any), and not costs of research and review.

If the total fees will exceed \$5, please provide only those records with fees up to \$5 and contact me at my email address before conducting further activity which would incur additional fees.

However, please make a complete (fee-free) Gov't Code §6253(c) determination regarding disclosure on all requests, even if the final production would exceed \$5, so I can make an informed prioritization of which of the records exceeding \$5 I should request duplication.

Electronic Format This request is only for records available in electronic format.⁹

If a record responsive to this request is unavailable or subject to additional fees because the record:

- is available only in non-electronic format (for example, physical writings that would have to be scanned),
- is not already held by you ¹⁰ or used by you to create copies ¹¹ in a format I can accept (plain text, comma- or tab-separated values, Microsoft Office, webpage/HTML, JPEG, PNG, TIFF, or PDF formats – and for geographical information: KMZ, KML, and GeoJSON formats),

⁹ Gov't Code §6253.9(a) – “Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record not exempt from disclosure pursuant to this chapter that is in an electronic format shall make that information available in an electronic format when requested by any person and, when applicable, shall comply with the following:

(1) The agency shall make the information available in any electronic format in which it holds the information.

(2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.”

¹⁰ Gov't Code §6253.9(a)(1)

¹¹ Gov't Code §6253.9(a)(2)

- would be produced only at otherwise regularly scheduled intervals,¹² or
- requires any data compilation, extraction, or programming not required to be performed by the Act,¹³

please exclude the contents of that record from your response (and do not produce it), but identify the record and note the reason where possible.

Delivery

Please include the reference number PD-2018-CAPRA-0003 in all communications. For each record, I prefer delivery as follows (in order from best to worst option):

- If a record is already available on your public web site, please provide the existing URL.¹⁴
- If you are willing, please publish the record on your public web site so as to benefit the entire public and not just me, and provide the URL.¹⁵
- Email the record to **forcalpra@gmail.com** or, in the case of large data files, upload records to a Google Drive folder (which I can provide as needed).

If none of these delivery methods are acceptable, please contact me by email. If certain responsive records can be disclosed earlier than others, it is not necessary to wait for all records to be available. To reduce costs and environmental impact, I prefer not using physical media for any communications or record delivery.

¹²Gov't Code §6253.9(b)(1)

¹³Gov't Code §6253.9(b)(2)

¹⁴Gov't Code §6253(f) – "In addition to maintaining public records for public inspection during the office hours of the public agency, a public agency may comply with subdivision (a) by posting any public record on its Internet Web site and, in response to a request for a public record posted on the Internet Web site, directing a member of the public to the location on the Internet Web site where the public record is posted. However, if after the public agency directs a member of the public to the Internet Web site, the member of the public requesting the public record requests a copy of the public record due to an inability to access or reproduce the public record from the Internet Web site, the public agency shall promptly provide a copy of the public record pursuant to subdivision (b)."

¹⁵*Ibid.*

Attachment 2 – List of Records Requested .

Please prioritize the records in the order listed below and use the numbers below (such as "1.6.15") when identifying responsive records, denying that responsive records exist, and/or providing legal authority for withholding responsive records. In addition to the definitions in the first paragraph of the request letter and the definitions in the Act, the following definitions apply

- Agency personnel: every member, agent, officer, or employee of the agency.
- Agency policy: means any order, policy, directive, procedure, guideline, regulation, employee handbook, instruction, or resolution or other writing that provides instructions to agency personnel or persons outside the agency
- Cooperating fire agency: CAL FIRE, the United States Forest Service, the Bureau of Indian Affairs, the Bureau of Land Management, the Fish and Wildlife Service, the United States Fire Administration, the Federal Emergency Management Agency, the Department of Defense, the National Park Service, any Geographic Area Coordination Center, the National Wildfire Coordinating Group, the National Interagency Fire Center, the National Interagency Coordination Center, the National Multi-Agency Coordination group, any public agency at the state, tribal, local, or federal level that is a member of any of the foregoing five items, any city, county, or tribal fire department within the State, and any subordinate body of the foregoing
- Utility: any electricity or natural gas utility regulated by the California Public Utilities Commission, and any subsidiary, parent, or affiliate (at any level) thereof
- Utility personnel: employees, members, officers, directors, attorneys, or agents of a utility, its subsidiary, parent, or affiliate (at any level)

1. Regarding agency-specific public records. For the purposes of this section, the following additional definitions apply:
 - 1.1. Record(s) of every emergency alert or notification and evacuation alert or notification sent **by** the agency to members of the public or another public agency regarding the 2018 Camp Fire
 - 1.2. Record(s) of every emergency alert or notification and evacuation alert or notification sent **to** the agency by a utility or another public agency regarding the 2018 Camp Fire
 - 1.3. Record(s) of agency personnel discussing any emergency alert or notification and evacuation alert or notification (including the failure thereof) sent **by** the agency to members of the public or another public agency regarding the 2018 Camp Fire
 - 1.4. Record(s) of agency personnel discussing any emergency alert or notification and evacuation alert or notification (including the failure thereof) sent **to** the agency by a utility or another public agency regarding the 2018 Camp Fire
 - 1.5. Record(s) of every communication between agency personnel and any utility or utility personnel discussing the possibility of or investigation into the entity's alleged responsibility for any wildland fire discovered on or after January 1, 2018
 - 1.6. Record(s) of every writing of agency personnel discussing the possibility of or investigation into any utility's alleged responsibility for any wildland fire discovered on or after January 1, 2018
 - 1.7. Record(s) of all agreements or promises made by agency personnel to any utility or vice-versa regarding liability for wildland fires that is not part of an agency policy published to the general public
 - 1.8. Record(s) of all agreements or promises made by agency personnel to any cooperating fire agency or vice-versa regarding utility liability for wildland fires that is not part of an agency policy published to the general public

1.9. Record(s) of

(i) every contract or agreement (including but not limited to a settlement agreement) between the agency and any utility, or the State and any utility,

(ii) every agency policy,

regarding each of the following:

(A) the involvement of utility personnel in a fire investigation,

(B) notification by any utility to the agency or by the agency to the utility of the possible involvement of utility equipment in a fire.

1.10. All report(s) of all investigation(s) into the cause(s) of, error(s) by the agency or its personnel, and/or lesson(s) learned during the 2018 Camp Fire

1.11. All press releases made regarding the 2018 Camp Fire

1.12. All communications between agency personnel and personnel of any co-operating fire agency or utility regarding the 2018 Camp Fire